

REMARKS/ARGUMENTS

Claims 1-9 and 11-23 are pending. Claims 1-9 and 11 have been amended for clarity. New Claims 11-23 find support in the disclosure as follows: Claims 11-13 (Claims 10-11, the paragraph bridging pages 14-15), and Claims 14-23 (Claim 1). Accordingly, the Applicants do not believe that any new matter has been added. Favorable consideration and allowance of this application is now respectfully requested.

Rejection—35 U.S.C. §112, second paragraph

Claims 9 and 10-11¹ were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are moot in view the amendments above and the cancellation of Claim 10.

Provisional Rejection—35 U.S.C. §112, first paragraph

Method of treatment claims were provisionally rejected under 35 U.S.C. 112, first paragraph, to the extent that they did not involve treatment of human breast, lung or colon cancer. This provisional rejection would not apply to new method Claims 12-14 which are directed to treatment of human breast, lung or colon cancer.

Provisional Rejection—Double Patenting

Claims 1 and 7-11 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over Claims 1-6, 10-13, 16-19, 22-24, and 27-28 of copending application 10/475,094. The Applicants respectfully request that their response to this provisional rejection be held in abeyance pending the identification of otherwise

¹ The term “31-33” which appears in the rejection’s heading appears to be erroneous and the Examiner is respectfully request to clarify or correct the official record.

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allowable subject matter. At that time, the Applicants can file a terminal disclaimer if necessary.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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